

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DANIEL AGUILAR,
Petitioner,

v.

Case No. 05C1269

PHIL KINGSTON,
Respondent.

ORDER

On December 1, 2005, petitioner Daniel Aguilar filed a petition pursuant to 28 U.S.C. § 2254 in the Western District of Wisconsin. Petitioner was convicted in Racine County Circuit Court of armed robbery and reckless endangerment. He was sentenced to thirty years imprisonment and is currently incarcerated at Waupun Correctional Institution.

District Judge Barbara Crabb reviewed the petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases and concluded that it should not be summarily dismissed. She also concluded that the Western District of Wisconsin was not the proper venue, and thus transferred this case to the Eastern District of Wisconsin on December 5, 2005. Subsequently this case was randomly assigned to me.

To date, no scheduling order has been issued. Accordingly, this order sets forth a schedule.

THEREFORE, IT IS ORDERED that within thirty (30) days of the date of this order respondent **ANSWER** the petition, complying with Rule 5 of the Rules Governing § 2254 Cases, and showing cause, if any, why the writ should not issue.

FURTHER, IT IS ORDERED that unless respondent files a dispositive motion with its answer the parties shall abide by the following schedule regarding the filing of briefs on the merits of petitioner's claims: (1) petitioner shall have forty-five (45) days following the filing of respondent's answer within which to file his brief in support of his petition; (2) respondent shall have forty-five (45) days following the filing of petitioner's initial brief within which to file a brief in opposition; and (3) petitioner shall have thirty (30) days following the filing of respondent's opposition brief within which to file a reply brief, if any.

In the event that respondent files a dispositive motion and supporting brief with its answer, this briefing schedule will be suspended and the briefing schedule will be as follows: (1) petitioner shall have forty-five (45) days following the filing of respondent's dispositive motion and supporting initial brief within which to file a brief in opposition; and (2) respondent shall have thirty (30) days following the filing of petitioner's opposition brief within which to file a reply brief, if any.

Pursuant to Civil L.R. 7.1(f), the following page limitations apply: briefs in support of or in opposition to the habeas petition or a dispositive motion filed by respondent must not exceed thirty pages and reply briefs must not exceed fifteen pages, not counting any statements of facts, exhibits, and affidavits.

Petitioner is advised that he must send copies of all future filings with the court to counsel for respondent, no matter whether in letter, brief, memorandum, or other form. Until respondent files his or her answer, these copies should be sent to Gregory Weber at the address below.

Pursuant to Rule 4 of the Rules Governing § 2254 Cases, copies of the petition and this order will be mailed to respondent Phil Kingston and to the Attorney General for the State of Wisconsin, c/o Gregory Weber, Assistant Attorney General, P.O. Box 7857, Madison, WI 53707.

Dated at Milwaukee, Wisconsin, this 12 day of December, 2005.

/s_____
LYNN ADELMAN
District Judge